

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application or Patent of:

Docket No. 1225/1E251-US1

David BERD

Serial or Patent No: 09/304.859



Filed: May 4, 1999

**RECEIVED**  
AUG 17 1999  
TECH CENTER 1600/2900

For: COMPOSITION COMPRISING TUMOR CELLS AND EXTRACTS  
AND METHOD OF USING THEREOF

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **Thomas Jefferson University**

ADDRESS OF ORGANIZATION: **11th and Walnut Streets, Philadelphia, PA 19107**

**TYPE OF ORGANIZATION**

- ☒ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §501(a) and 501(c)(3))
- ☐ Nonprofit scientific or educational under statute of state of the United States of America  
(name of state: )  
citation of statute: )
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §501(a) and 501(c)(3)) if located in the United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America  
(name of state: )  
(citation of statute: )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees under Section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled Composition Comprising Tumor Cells And Extracts And Method Of Using Thereof by inventor(s) David BERD described in

☐ the specification filed herewith

☒ application Serial No. 09/304,859 filed May 4, 1999

☐ Patent No. , issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

FULL NAME: AVAX Technologies

ADDRESS: 4520 Main Street, Suite 930, Kansas City, Missouri 64111

☐ INDIVIDUAL      ☒ SMALL BUSINESS CONCERN      ☐ NONPROFIT  
ORGANIZATION

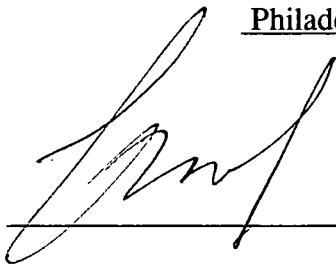
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE, AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION, ANY PATENT ISSUING THEREON, OR ANY PATENT TO WHICH THIS VERIFIED STATEMENT IS DIRECTED.

Name of Person Signing: Alan B. Kelly, Esq.

Title in Organization: University Counsel

Address of Person Signing: Thomas Jefferson University, 1020 Walnut Street  
Philadelphia, Pennsylvania 19107

Signature:  Date: 8/3/99

NONPROFIT ORGANIZATION

REV. 12/87

M:/1225/1E251-US1/1E0760.WPD;1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application or Patent of:

David BERD

Serial No: 09/304,859

For:

**COMPOSITION COMPRISING TUMOR CELLS AND EXTRACTS  
AND METHOD OF USING THEREOF**

Docket No. 1225/1E251-US1

Filed: May 4, 1999

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: AVAX Technologies

ADDRESS OF CONCERN: 4520 Main Street, Suite 930, Kansas City, MO 64111

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

**Definitions:** For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled Composition Comprising Tumor Cells And Extracts And Method Of Using Thereof by inventor(s) David BERD described in

- ☐ the specification filed herewith  
☒ application Serial No. 09/304,859 filed May 4, 1999  
☐ Patent No. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no

rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entitled (37 C.F.R. 1.27)*

NAME: **Thomas Jefferson University**

ADDRESS: **11th and Walnut Streets, Philadelphia, PA 19107**

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: **Ernest Yankee**

TITLE OF PERSON (IF OTHER THAN OWNER): **Executive Vice President**

ADDRESS OF PERSON SIGNING: **AVAX Technologies, 4520 Main Street, Suite 930,  
Kansas City, MO 64111**

SIGNATURE: 

DATE: 8/04/99

SMALL BUSINESS

REV. (Via PTO) 7/12/89

M:1225/1E251-US1/1E0761.WPD:1